

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL NO. 11-208 J
 : Jones
 :
 v. : VIO: 18 U.S.C. § 1366;
 : 49 U.S.C. § 60123
 :
 HENRY VIRGIL BENTON :

**FILED
HARRISBURG**

JUN 29 2011

MARY E. D'ANDREA, CLERK
Per DEPUTY CLERK

I N D I C T M E N T

THE GRAND JURY ALLEGES:

Introduction

1. Chief Oil & Gas LLC ("Chief Oil & Gas"), based in Dallas, Texas, was engaged in the exploration, development and production of oil and natural gas reserves in several fields throughout the continental United States, including Marcellus Shale located in Pennsylvania.

2. Chief Gathering LLC ("Chief Gathering") was a subsidiary of Chief Oil & Gas which constructed and operated pipelines to deliver natural gas from wellheads to interstate and intrastate pipelines that ultimately redeliver to industrial end users and consumers.

3. Chief Oil & Gas and Chief Gathering were engaged in activities affecting interstate and foreign commerce.

4. Holloman Corporation ("Holloman"), based in Houston Texas, was a construction and engineering company which designed and built facilities and systems used in the production, storage, transmission, and distribution of natural gas.

5. Chief Oil & Gas and Chief Gathering engaged Holloman to construct a natural gas pipeline, known as the Emig Line, in Cogan House Township, Lycoming County Pennsylvania, to be used to transport natural gas from wells to other pipelines for storage, transmission, and distribution throughout the United States.

6. The defendant, HENRY VIRGIL BENTON, was employed by Holloman for approximately five weeks until his employment was terminated by Holloman on June 15, 2011.

7. The Emig Line was an "energy facility" that was involved in the production, storage, transmission, and distribution of natural gas as defined in Title 18, United States Code, Section 1366(c).

8. The Emig Line was an "intrastate gas pipeline facility" defined under Title 49, United States Code, Section 60101(a)(9) as a "gas pipeline facility and transportation of gas within a State not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act (15 U.S.C. § 717 et seq)."

THE GRAND JURY CHARGES:

COUNT ONE
Destruction of an Energy Facility
18 U.S.C. § 1366(a)

From on or about June 6, 2011 through on or about June 15, 2011, in Lycoming County, within the Middle District of Pennsylvania, and elsewhere, the defendant

HENRY VIRGIL BENTON

did knowingly and willfully damage, and attempt to damage, the property of an energy facility in an amount that in fact exceeded, and, if the attempted offense had been completed, would have exceeded \$100,000, and did damage and attempt to damage the property of an energy facility to cause a significant interruption and impairment of the function of an energy facility, in that the defendant used a track hoe excavator to excavate and unearth a section of the Emig Line and then used the excavator to damage the exposed pipeline.

All in violation of Title 18, United States Code, Section 1366(a).

